



NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 65161  
13 January 2012

Mr. Jason Smathers  
MuckRock News  
DEPT MR 681  
PO Box 55819  
Boston, MA 02205-5819

Dear Mr. Smathers:

This responds to your Freedom of Information Act (FOIA) request dated 12 December 2010, to the Department of Defence Inspector General (DoDIG) for "All records referencing the five oldest FOIA and Privacy Act requests which are still being processed that contain remarks, comments, notes, explanations, etc. made by your personnel or contractors about the processing of these requests (and appeals, if appropriate), the invocation of exemptions, or related matters. This is to include any analysts' notes made during the processing of requests, any standard worksheets completed by the analysts, any justifications for exemption invocations or other supporting documentation provided to the Appeals Authority, and any correspondence referencing the requests, including tasking orders, emails, and coordination documentation. However, any records previously released to the original requesters in unredacted form may be excluded from this request. Additionally, please provide the initial request letters for the 5 oldest open FOIA/PA requests." A copy of your request is enclosed. The DoDIG referred 2 NSA-originated letters (4 pages) to the National Security Agency/Central Security Service (NSA/CSS) on 28 July 2011 (DoDIG Case #11-00048-F), for our review and direct response to you. This referral has been assigned case number 65161.

Your request has been processed under the provisions of the FOIA. Enclosed is the material you requested.

Sincerely,

*for Sally A. Nicholson*

PAMELA N. PHILLIPS  
Chief  
FOIA/PA Office

Encls:  
a/s

Date : Dec 12, 2010 14:09 GMT  
To : FOIA Officer, Fax 17036020294  
From : Requests Muckrock, EMail requests@muckrock.com  
Subject: Freedom of Information Request: 5 oldest FOIA requests (DoD OIG)

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

All records referencing the five oldest FOIA and Privacy Act requests which are still being processed that contain remarks, comments, notes, explanations, etc. made by your personnel or contractors about the processing of these requests (and appeals, if appropriate), the invocation of exemptions, or related matters. This is to include any analysts' notes made during the processing of the requests, any standard worksheets completed by the analysts, any justifications for exemption invocations or other supporting documentation provided to the Appeals Authority, and any correspondence referencing the requests, including tasking orders, emails, and coordination documentation. However, any records previously released to the original requesters in unredacted form may be excluded from this request. Additionally, please provide the initial request letters for the 5 oldest open FOIA/PA requests.

When processing this request, please note that the D.C. Circuit has previously held that agencies have a duty to construe the subject material of FOIA requests liberally to ensure responsive records are not overlooked. See *Nation Magazine, Washington Bureau v. U.S. Customs Service*, 71 F.3d 885, 890 (D.C. Cir. 1995). Accordingly, you are hereby instructed that the term "record" includes, but is not limited to: 1) all email communications to or from any individual within your agency; 2) memoranda; 3) inter-agency communications; 4) sound recordings; 5) tape recordings; 6) video or film recordings; 7) photographs; 8) notes; 9) notebooks; 10) indices; 11) jottings; 12) message slips; 13) letters or correspondence; 14) telexes; 15) telegrams; 16) facsimile transmissions; 17) statements; 18) policies; 19) manuals or binders; 20) books; 21) handbooks; 22) business records; 23) personnel records; 24) ledgers; 25) notices; 26) warnings; 27) affidavits; 28) declarations under penalty of perjury; 29) unsworn statements; 30) reports; 31) diaries; or 32) calendars, regardless of whether they are handwritten, printed, typed, mechanically or electronically recorded or reproduced on any medium capable of conveying an image, such as paper, CDs, DVDs, or diskettes.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Jason Smathers  
Filed via MuckRock.com

E-mail (Preferred): [requests@muckrock.com](mailto:requests@muckrock.com)  
Daytime: (617) 299-1832  
For mailed responses, please address:  
MuckRock  
185 Beacon St. #3  
Sciterville, MA 02143

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NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 48922  
8 May 2008

Inspector General of the Department of Defense  
ATTN: Mr. Darryl Aaron  
FOIA/PA Office  
400 Army Navy Drive  
Arlington, VA 22202-2884

Dear Mr. Aaron:

(U) This responds to DoD IG memorandum dated 15 March 2006 (**Encl A**) concerning a request from Mr. Nick Schwellenbach (**Encl B**), DoD case number 06-0162.

(U) The memorandum forwarded for our review:

2 Documents (54 pages) not originated by NSA/CSS but containing NSA/CSS information (**Encl C**) for review and response to DoD IG.

(U) Some of the NSA/CSS information at **Encl C** is protected from disclosure pursuant to the exemptions listed below. The remaining NSA/CSS information may be released to the requester. We request the opportunity to review the information again if it is responsive to another request and considered for release in the future.

5 U.S.C. 552(b)(1) – The information is properly classified in accordance with the criteria for classification in Section 1.4 of Executive Order 12958, as amended.

5 U.S.C. 552(b)(2)

5 U.S.C. 552(b)(3) – The specific statute is listed below:  
50 U.S.C. 402 note (*Public Law 86-36 Section 6*)

(U) When redacting NSA information, please use only an approved on-line redaction tool that physically removes the information from the document. If an on-line tool is not available, please manually cut out the information or use an approved white or black tape method of redaction.

~~Declassify upon removal of enclosures~~

~~SECRET~~

~~SECRET~~

FOIA Case: 48922

(U) The initial denial authority for NSA information is the Deputy Associate Director for Policy. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days of the date of the initial denial. The appeal shall be in writing to the NSA/CSS FOIA Appeal Authority (DJP4), National Security Agency, 9800 Savage Road STE 6248, Ft. George G. Meade, MD 20755-6248. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent unusual circumstances.

(U) Please be sure to return Form A1295 "Transmittal of Material" upon receipt of this case so that we have verification that it was received.

(U) If you have any questions or comments, please call Jackie (contractor) at (301) 688-3575.

Sincerely,



RHEA D. SIERS  
Deputy Associate Director for Policy

Encls:  
a/s

~~SECRET~~

~~SECRET~~



NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Serial: MDR-59975  
18 August 2010

Ms. Jeanne Miller  
Senior Advisor, Information and Privacy  
Inspector General, Department of Defense  
400 Army Navy Drive  
Arlington, VA 22202-4704

Dear Ms. Miller:

(U) Please refer to letter of 30 September 2009, your project number 06-0162 (Schwellenbach), requesting that we conduct a declassification review of the enclosed documents. We have processed the documents as a Mandatory Declassification Review under Executive Order 13526. Please note that this same 2006 request from Mr. Schwellenbach was also processed in 2008 as a FOIA case(#48922), response letter dated 8 May 2008.

(U) As part of our recent mandatory declassification review, we have determined that the information covered with overlays meets the criteria for classification as set forth in Section 1.4 subparagraph(c) and remains classified SECRET as provided in Section 1.2 of E.O. 13526. In addition, the names of NSA employees and information related to NSA/CSS functions and activities are exempt from release in accordance with the provisions of Section 6, Public Law 86-36 (U.S. Code 402 note), as provided for in Section 3.5 (f) of E.O. 13525. Once the overlay-marked information has been removed from the enclosures, the NSA classification markings and handling instructions should be lined through.

~~THIS CORRESPONDENCE MAY BE DECLASSIFIED UPON REMOVAL OF THE ENCLOSURES~~

Approved for Release by NSA on 01-13-2012, FOIA Case # 65160

~~SECRET~~

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(U) The Initial Denial Authority for NSA is the Deputy Associate Director for Policy and Records, Diane M. Janosek. In responding to the requester, please advise him that he may, within 60 days after notification of the denial, file an appeal in writing to the NSA/CSS MDR Appeal Authority (DJP5), National Security Agency, 9800 Savage Road, STE 6884, Fort George G. Meade, MD 20755-6884. The appeal must be postmarked no later than 60 calendar days after the date of the denial letter. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes the release of information is required. The NSA/CSS MDR Appeal Authority will endeavor to respond to the appeal within 60 working days after receipt of the appeal.

(U) If you have any questions regarding this action, please contact me at 301-688-7785.

Sincerely,

*Kristina M. Grein*

KRISTINA M. GREIN  
Chief  
Declassification Services

Encls:  
a/s

~~SECRET~~